

CLOSED, TYPE-I

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:09-cv-00174-CKK

KIM v. NAPOLITANO et al
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 01/29/2009
Date Terminated: 09/03/2009
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**HYE YOUNG KIM**

represented by **Rachel Sobin Ullman**
YANG & ULLMAN, PC
11510 Georgia Avenue
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Silver Spring, MD 20902
(301) 949-5001
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

JANET NAPOLITANO
Secretary, U.S. Department of Homeland Security

represented by **Gia M. Chemsian**
DEPARTMENT OF VETERANS AFFAIRS
810 VERMONT AVENUE, NW
Washington, DC 20420
(202) 461-7642
Email: gia.chemsian@va.gov
LEAD ATTORNEY

Defendant

MICHAEL AYTES
Acting Director, U.S. Citizenship and Immigration Services

represented by **Gia M. Chemsian**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/29/2009	<u>1</u>	COMPLAINT against JANET NAPOLITANO, MICHAEL AYTES (Filing fee \$ 350, receipt number 4616017951) filed by HYE YOUNG KIM. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D-1, # <u>6</u> Exhibit D-2)(td,) (Entered: 01/30/2009)
01/29/2009		SUMMONS (2) Issued as to JANET NAPOLITANO, MICHAEL AYTES (td,) (Entered: 01/30/2009)
01/29/2009	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by HYE YOUNG KIM identifying Corporate Parent NONE for HYE YOUNG KIM. (td,) (Entered: 01/30/2009)
01/30/2009	<u>3</u>	ORDER Establishing Procedures for Electronic Filing for Cases Assigned to Judge Colleen Kollar-Kotelly, signed on January 30, 2009. (SM) (Entered: 01/30/2009)
02/11/2009		SUMMONS REISSUED as to JANET NAPOLITANO, MICHAEL AYTES.(kb) (Entered: 02/11/2009)

03/24/2009	<u>4</u>	ENTERED IN ERROR.....NOTICE <i>Notice requesting reissuance of summons</i> by HYE YOUNG KIM (Ullman, Rachel) Modified on 3/25/2009 (nmw,). (Entered: 03/24/2009)
04/07/2009		SUMMONS (2) REISSUED as to JANET NAPOLITANO, MICHAEL AYTES (td,) (Entered: 04/07/2009)
04/30/2009	<u>5</u>	RULE 4(M) ORDER. Plaintiff must either cause process to be served and proof of service to be filed with the Court, or file a status report with the Court that indicates why service has not been made, by no later than May 29, 2009. Signed by Judge Colleen Kollar-Kotelly on April 30, 2009. (lcckk2) (Entered: 04/30/2009)
05/04/2009	<u>6</u>	SUMMONS Returned Executed by HYE YOUNG KIM. JANET NAPOLITANO served on 4/15/2009, answer due 5/15/2009; MICHAEL AYTES served on 4/15/2009, answer due 5/15/2009. (Attachments: # <u>1</u> Return of Service-Aytes)(Ullman, Rachel) (Entered: 05/04/2009)
06/18/2009	<u>7</u>	ORDER. On May 4, 2009, Plaintiff filed two return of service/affidavits purporting to serve Defendants in this matter. See Docket No. <u>6</u> . Upon the Court's own review of the filing, however, it does not appear that Plaintiff has properly served Defendants as required by Federal Rule of Civil Procedure 4(i), which instructs how the United States, it agencies, officers and employees are to be served. Accordingly, in order to avoid the finality of a mandatory dismissal, by June 30, 2009, Plaintiff must either cause process to be served in accordance with Federal Rule of Civil Procedure 4(i) and proof of service to be filed with the Court, or file a status report with the Court that indicates why service has not been made. Signed by Judge Colleen Kollar-Kotelly on June 18, 2009. (lcckk2) (Entered: 06/18/2009)
06/23/2009		Summons Issued (2)as to, U.S. Attorney and U.S. Attorney General (mmh,) (Entered: 06/23/2009)
06/30/2009	<u>8</u>	SUMMONS Returned Executed by HYE YOUNG KIM. (Attachments: # <u>1</u> US Atty General return of service, # <u>2</u> US Atty for DC return of service)(Ullman, Rachel) (Entered: 06/30/2009)
07/14/2009	<u>9</u>	Consent MOTION for Extension of Time to <i>Respond to Plaintiff's Complaint (First)</i> by JANET NAPOLITANO, MICHAEL AYTES (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Chemsian, Gia) (Entered: 07/14/2009)
07/15/2009		MINUTE ORDER granting, by consent of plaintiff, <u>9</u> Defendants' First Motion for Extension of Time to Respond to Plaintiff's Complaint. Accordingly, Defendants shall have until and including August 13, 2009, to respond to Plaintiff's complaint. Signed by Judge Colleen Kollar-Kotelly on July 15, 2009. (SM) (Entered: 07/15/2009)
07/15/2009		Set/Reset Deadlines: Answer due by 8/13/2009. (dot,) (Entered: 07/22/2009)
08/13/2009	<u>10</u>	MOTION for Summary Judgment by JANET NAPOLITANO, MICHAEL AYTES (Attachments: # <u>1</u> Exhibit 1 – Eggleston Declaration & Attachments 1–A, 1–B, 1–C, 1–D, 1–E, 1–F, 1–G, 1–H)(Chemsian, Gia) (Entered: 08/13/2009)
08/24/2009	<u>11</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>10</u> MOTION for Summary Judgment by HYE YOUNG KIM (Ullman, Rachel) (Entered: 08/24/2009)
08/24/2009		MINUTE ORDER (paperless) GRANTING Plaintiff's <u>11</u> Unopposed Motion for Extension of Time to File Plaintiff's Opposition to Defendants' Motion for Summary Judgment. Accordingly, Plaintiff shall have until and including August 31, 2009 in which to file her opposition. Signed by Judge Colleen Kollar-Kotelly on August 24, 2009. (lcckk2) (Entered: 08/24/2009)
09/02/2009		MINUTE ORDER (paperless). On August 13, 2009, Defendants filed a <u>10</u> Motion for Summary Judgment in this FOIA action. Plaintiff's response was due no later than August 31, 2009. Plaintiff, however, failed to file any such response on August 31, 2009 or anytime thereafter. Plaintiff is hereby advised that if she does not file a response to Defendants' motion, on or before September 4, 2009, the Court shall treat Defendants' motion for summary judgment as conceded. Plaintiff

		is further advised that any untimely response to Defendants' motion must be accompanied by an appropriate motion requesting leave to file out of time as required by the D.C. Circuit in Smith v. District of Columbia, 430 F.3d 450, 456–57 (D.C. Cir. 2005). Signed by Judge Colleen Kollar–Kotelly on September 2, 2009. (lcckk2) (Entered: 09/02/2009)
09/03/2009	<u>12</u>	RESPONSE TO ORDER OF THE COURT filed by HYE YOUNG KIM. (Ullman, Rachel) (Entered: 09/03/2009)
09/03/2009	<u>13</u>	ORDER. Based on the reasoning set forth in an accompanying Memorandum Opinion, Defendants' <u>10</u> Motion for Summary Judgment is GRANTED as conceded, and this case is DISMISSED in its entirety. This is a final, appealable order. Signed by Judge Colleen Kollar–Kotelly on September 3, 2009. (lcckk2) (Entered: 09/03/2009)
09/03/2009	<u>14</u>	MEMORANDUM OPINION. Signed by Judge Colleen Kollar–Kotelly on September 3, 2009. (lcckk2) (Entered: 09/03/2009)